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File

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY	DOCKET NO.
09/178,396	10/23/98	MORIN	B	2029

IM22/0424
MILIKEN RESEARCH CORPORATION
P O BOX 1927
SPARTANBURG SC 29304

EXAMINER

PRATT, C

ART UNIT

PAPER NUMBER

1771

5

DATE MAILED: 04/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/178,396	Applicant(s) MORIN ET AL.	
	Examiner Christopher C. Pratt	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 19) <input type="checkbox"/> Other: _____ |

Art Unit: 1771

DETAILED ACTION

Claim Objections

1. Claims 5, 8, 26, and 28 are objected to because of the following informalities:
The word "pendent" appears to be spelled incorrectly. The correct spelling is pendant.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-7, 9-13, 16, 20, 24-31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 7, 13, 16, 20, 24-25, 27, and 29 are indefinite because claims merely setting forth physical characteristics desired in an article and not setting forth specific compositions, which would meet such characteristics are invalid as vague and indefinite because they cover any conceivable combination of ingredients, either presently existing or which might be discovered in the future. Claims 1, 4, 7, 13, 16, 20, 24-25, 27, and 29 would impart desired characteristics too broad and indefinite since it purports to cover everything which will perform the desired functions regardless of its

Art Unit: 1771

composition and, in effect, recites compounds by what it is desired that they do rather than what they are. Ex parte Slob (PO BdApp) 157 USPQ 172.

Claims 3, 17 are indefinite because they recite the phrase "woven or knitted, polyester fiber." If applicant is attempting to claim a woven or knit fabric composed of a polyester fiber than it must be clearly stated.

Claims 5, 9, and 26 are indefinite because they recite the phrase "average molecular weight." Examiner can not tell if applicant is attempting to claim a number average molecular weight or weight average molecular weight. Applicant's specification appears to refer to a "number average." If this is so, then claims 5, 9, and 26 should be amended to reflect this.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-5, 7-11, 13-20, 24-30 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yahiaoui et al (5814567).

Art Unit: 1771

Yahiaoui's patent is concerned with the creation of a textile fabric coated with a polymer. Said coated fabric inherently has a particle attraction coefficient of 100% or greater for one or more of the types of particles selected from applicant's claimed group, as well as a particle count of particles greater than .5 microns of 150,000 particles per square meter of less. Said fabric also inherently has an extrinsic sorbency of 3.5 mill/meter squared or greater. These properties are inherent in the fabric of Yahiaoui because said fabric is coated with the same materials claimed by applicant, in similar proportions (col. 7, lines 10-65 and examples 1-18).

Yahiaoui discloses the use of a woven fabric composed of a polyester fiber with a similar weight as that claimed by applicant (col. 3, line 16; col. Col. 4, line 8; and examples 1-18).

Said polymer comprising polysaccharides having a plurality of pendant groups anticipating applicants claimed group (col. 6, lines 5-15; col. 7, lines 15-65). Said pendant groups inherently have an average molecular weight of 25,000 to 1,000,000 because they composed of the same materials as applicant's claimed pendant groups.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1771

7. Claims 21-23 rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Yahiaoui et al (5814567).

Yahiaoui discloses all elements of applicant's claims 1, 8 and 14 to which claims 21-23 refer, as set forth above. Yahiaoui also discloses the use of a nonionic surfactant, but is silent with respect to the amount disposed on a fabric. It would have been obvious to a person of ordinary skill in the art to utilize a surfactant in the range of .5 ppm to .1% by weight. Such a weight range would have been obvious based on the reasoned expectation of rendering a fabric wettable without significantly lowering the surface tension of an aqueous medium to which the coated substrate may be exposed.

8. Claims 6, 12, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahiaoui et al (5814567) in view of Applicant's Admitted Prior Art (AAPA).

Yahiaoui discloses all elements of applicant's claims 1, 11, and 24 to which claims 6, 12, and 31 depend, as set forth above. Yahiaoui fails to disclose said fabric saturated with a solvent and packaged in a sealed container.

AAPA teaches providing additional solvents and packages for pre-saturated wipers (page 12 of specification, line 19). It would have been obvious to utilize this packaging based on the reasoned expectation of providing a pre-saturated wipe, which can be made commercially available.

Conclusion

Art Unit: 1771

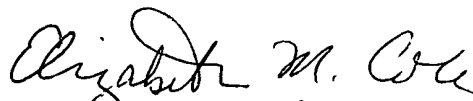
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stone (3472840), Muzzarelli (5378472), and Yahiaoui et al (5945175) seem to disclose elements of applicant's invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-308-2351 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.

Christopher C. Pratt
April 20, 2000


ELIZABETH M. COLE
PRIMARY EXAMINER